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RCE  
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Attorney Docket No. 55112-RCE/(71850)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Norman C. Brackett

Serial No.: 09/706,060

Examiner: Stefanon, Justin

Filed: November 3, 2000

Group: 3682

For: STIFF METAL HUB FOR AN ENERGY STORAGE ROTOR

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as Express Mail (Express Mail Label No. EL 346669449 US, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 on April 18, 2003.

  
Sharon Bizokas

**BOX RCE**

Commissioner For Patents  
Washington, D.C. 20231

Sir/Madam:

**RECEIVED**

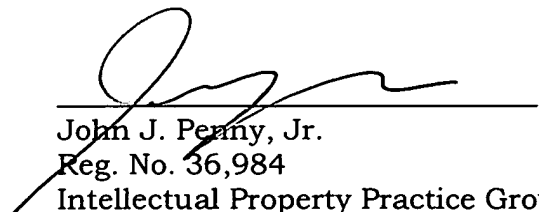
APR 24 2003

**GROUP 3600**

TRANSMITTAL

Transmitted herewith for filing in the above-referenced patent application are the following documents:

- 1) Request for Continued Examiner (REC);
- 2) Preliminary amendment filed with RCE;
- 3) 3 Month Extension of Time
- 4) Check in the amounts of \$375.00 (RCE filing fee) and \$261.00 (extension fee); and
- 5) Return Postcard

  
John J. Penny, Jr.

Reg. No. 36,984

Intellectual Property Practice Group  
of Edwards & Angell, LLP

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Boston, Massachusetts 02209

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APR 24 2003

GROUP 3600

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**(37 C.F.R. 1.114)**

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

**WARNING:** 35 U.S.C. 132(b) and Section 1.114 provide for the continued examination of an application and *not* examination of a continuing application). Accordingly, the Office will not permit an applicant to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

**WARNING:** A continued examination request *cannot* be made if at least one office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 161 has not been mailed. The provisions of 37 C.F.R. 1.114 also do not apply (1) to a provisional application, an application for a utility or plant patent filed under 35 U.S.C. 111(a); (2) an international application filed under 35 U.S.C. 363 before June 8, 1995; (3) a patent under reexamination; or (4) an application for a design patent. 37 C.F.R. Section 1.114(d).

**NOTE:** There is no limit to the number of times the fee for continued examination may be submitted. Notice of March 10,

04/22/2003 BNGUYEN1 00000015 041105 09706060

01 FC:2801  
02 FC:2253

4.00 CH

375.00 OP  
261.00 OP

2000, 65 Fed Reg 14865, at 14868.

**NOTE:** Unlike a continuation application, a continued examination request *can* utilize the mailing procedure of 37 C.F.R. 1.8. See 37 C.F.R. Section 1.8(a)(2)(i)(A).

### TIME REQUEST IS BEING MADE

2. This request is being submitted (*check appropriate item(s) below*):

- i. ☒ Prior to abandonment of the application
- ii. ☐ Payment of the issue fee
  - ☐ Prior to payment of issue fee
  - ☐ Issue fee has been paid but a petition under Section 1.313 has been granted
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
  - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.

**NOTE:** If such a notice is not sent to the Board, they may refuse to vacate a decision rendered after the filing of the RCE but before recognition by the Office of the RCE request under Section 1.114.

- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145
  - or ☐ Commencement of a civil action under 35 U.S.C. 146
  - ☐ Prior to the filing of such appeal or commencement of civil action
  - ☐ Such appeal or commencement of civil action has been terminated

### ENCLOSURES

3. Enclosed herewith is/are:

**WARNING:** If reply to a final or non-final Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of Section 1.111. 37 C.F.R. Section 1.114(b).

- ☐ An information disclosure (37 C.F.R. Section 1.98)
  - ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☒ A Preliminary Amendment
- ☐ New arguments
- ☐ New evidence in support of patentability
- ☒ Other: 3M extension of time

# **FEE FOR REQUEST (37 C.F.R. Section 1.17(e)).**

4. This application is on behalf of:

☒ Small entity (and status is still as small entity)                      \$375.00                      \$ 375.00

☐ Other than a small entity                                                              \$750.00

Continued Prosecution Request Fee                      \$ 375.00

## **FEE FOR CLAIMS**

*NOTE: "The fee for continued examination under Section 1.114 (Section 1.17(e)) does not include additional claims fee (cf. 1.53 (d)(3)(ii))." See Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.*

*37 C.F.R. 1.53(d)(3) : "The filing fee for a continued prosecution application filed under this paragraph is:*

*(i) The basic filing fee as set forth in Section 1.16; and*

*(ii) Any additional Section 1.16 fee due based on the number of claims remaining in the application after entry of any amendment accompanying the request for an application under this paragraph and entry of any amendments under Section 1.116 unentered in the prior application which applicant has requested to be entered in the continued prosecution application."*

5. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col. 2)		(Col. 3) SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra Rate		Addit. Fee OR Rate	
Total	11	Minus	20	= 0	x \$9 =	\$0	x \$18 =	\$ 0.00
Indep.	1	Minus	3	= 0	x \$42 =	\$0	x \$84 =	\$ 0.00
<input type="checkbox"/> First Presentation of Multiple Dependent Claim					+ \$140 = \$		+ \$280 = \$ 0.00	
					\$____	OR	Total	\$0.00
							Addit	
							. Fee	
					Total			
					Addit.			
					Fee			

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,
  - \*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
  - \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** See 37 C.F.R. Section 1.116.

*(complete (c) or (d), as applicable)*

(c) ☒ No additional fee is required.

**OR**

(d) ☐ Total additional fee required is \$ \_\_\_\_\_.

### EXTENSION OF TIME

*(If an extension of time is appropriate complete (a) or (b), as applicable)*

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

(a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

Extension for <u>(months)</u>	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 55	\$110
<input type="checkbox"/> two months	\$ 205	\$410
<input checked="" type="checkbox"/> three months	\$ 466	\$930
<input type="checkbox"/> four months	\$ 725	\$1,450
Fee		\$ _____

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

☒ An extension for 2 months has already been secured, and the fee paid therefor of \$ 205.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request      \$ 261.00

OR

- (b) ☒ Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**TOTAL FEE(S) DUE**

**WARNING:** The fee for continued examination under Section 1.114 may not be deferred. 37 C.F.R. Section 1.53(f).

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e))	\$ <u>375.00</u>
Fee(s) for additional claims (if any) (Section 1.16(b)-(d))	\$ <u>.00</u>
Extension of time fee (if any) (Section 1.17(a)(1)-(4))	\$ <u>261.00</u>
Total Fee(s) Due:	\$ <u>636.00</u>

**PAYMENT OF FEE(S) DUE**

8. Please pay the fee(s) for this continued examination application as follows:

- ☐ Check is attached for the sum of \$ 375.00 & \$ 261.00
- ☐ Charge Account \_\_\_\_\_ the sum of \$ \_\_\_\_\_
- ☐ Charge Credit Card the sum of \$ \_\_\_\_\_  
(Credit Card Payment Form (PTO-2038) attached.)

Please charge any required additional fee(s) for Section 1.17(e), Section 1.16(b)-(d) and/or Section 1.17(a)(1)-(4) to

- ☒ Account 04-1105
- ☐ Credit Card (Credit Card Payment Form (PTO-2038) attached.)

**INVENTORSHIP**

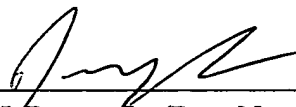
**NOTE:** Any change of inventors must be via the procedure set forth in 37 C.F.R. Section 1.48. See Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

9. This application as amended names as inventors:

- ☒ the same inventors as previously designated for the claims.
- ☐ fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.
- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. Section 1.48 is/has separately:
  - ☐ being filed
  - ☐ been filed

Respectfully submitted,

Date 4/18/03

  
\_\_\_\_\_  
John J. Penny, Jr. (Reg. No.: 36,984)  
EDWARDS & ANGELL, LLP  
P.O. Box 9169  
Boston, MA 02209  
Tel.: (617) 439 4444  
Fax: (617) 439-4170



#23/Arnold F  
4-25-03  
JH

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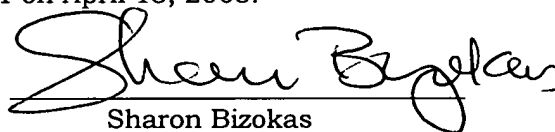
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Sharon Bizokas

**BOX RCE**

Commissioner For Patents  
Washington, D.C. 20231

Sir/Madam:

PRELIMINARY AMENDMENT FILED WITH  
REQUEST FOR CONTINUED EXAMINATION

Please enter the amendment filed on March 14, 2003.

Please amend the subject application as follows:

IN THE CLAIMS

Amend the claim 4 to read:

F' 4. (Three Times Amended) A stiff, metallic hub for an energy storage device, having a flywheel assembly, wherein the hub produces a critical velocity that exceeds a design operating speed of the flywheel assembly, the stiff, metallic hub comprising:  
a central core in tight interference fit with a rotary shaft of the flywheel assembly;